

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

M.E. and T.E. individually,
and on behalf of Kassidy E., a minor,

Plaintiffs,

-against-

THE NEW YORK CITY DEPARTMENT
OF EDUCATION,

Defendant.

**PLAINTIFFS' NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

ECF

Case No.: 15 CIV 5306

Hon. Vernon S. Broderick

PLEASE TAKE NOTICE that upon the annexed Plaintiffs' Memorandum of Law in Support of Summary Judgment, dated February 8, 2016 at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on a date to be set by the Court, Plaintiffs will move this court for an order granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that Defendant failed to offer their child, Kassidy E., a free appropriate public education, and asking this court for a remand for a determination whether that their unilateral placement of their child at the Rebecca School was appropriate to meet their child's special education needs, and whether equities support a claim for reimbursement and direct tuition payment for such placement for the 2012-2013 school year and granting said plaintiffs such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that upon the annexed documents enumerated above at such place and time enumerated above that Plaintiffs will oppose

Defendant's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that Defendant failed to offer their child, Kassidy E., a free appropriate public education, and asking this court for a remand for the determination whether that their unilateral placement of their child at the Rebecca School was appropriate to meet their child's special education needs, and whether equities support a claim for reimbursement and direct tuition payment for such placement for the 2012-2013 school year.

Respectfully submitted,

/s/
LAWRENCE D. WEINBERG (LW7841)
Attorney for Plaintiffs

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February 8, 2016

To: Son Le, Esq.
The City of New York Law Department
100 Church St.
New York, New York, 10007
Attorneys for Defendant

CERTIFICATION OF SERVICE

I, Lawrence D. Weinberg, **declare under penalty of perjury** that I have served a copy of the attached Plaintiffs' Notice of Cross-Motion For Summary Judgment And Opposition To Defendant's Motion For Summary Judgment, dated February 8, 2016, Plaintiffs' Memorandum of Law in Support of Cross-Motion for Summary Judgment, dated February 8, 2016, upon defendant's attorney, Son Le, Esq., whose address is The City of New York Law Department, 100 Church St., New York, New York, 10007 by filing such documents via electronic filing to the Southern District of New York CM/ECF system, which will send notification to the above.

Respectfully submitted,

/s

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Date: February 8, 2016